

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**DEBORAH DOMMERT, on behalf of
herself and a class of others similarly
situated,**

Plaintiff,

v.

**RAYMOND JAMES FINANCIAL
SERVICES, INC., et al.,**

Defendants.

§
§
§
§
§
§
§
§
§
§
§

No. 1:06-CV-102

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING MOTION TO DISMISS**

The Court referred several motions to United States Magistrate Judge Keith F. Giblin at Beaumont, Texas, for hearing and submission of a recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules for the United States District Court for the Eastern District of Texas.

On February 9, 2007, Judge Giblin issued his Report and Recommendations of United States Magistrate Judge on Motions to Dismiss and for More Definite Statement (Doc. No. 66). Judge Giblin recommended that the Court grant the Defendants' Rule 12(b)(6) and 9(b) motion to dismiss and deny the Defendants' motions for more definite statement.

The Plaintiff filed objections to the magistrate judge's findings and recommendations. *See* Plaintiff's Objection to Magistrate's Report and Recommendation (Doc. No. 67). Pursuant to the Plaintiff's request and in accordance with 28 U.S.C. § 636(b)(1), the Court conducted a *de novo* review of the magistrate's findings, the record, the relevant evidence, Plaintiff's specific objections, and the applicable law in this proceeding. After review, the Court finds that Judge Giblin's findings

and recommendations should be accepted. The Plaintiff's objections are overruled.

Accordingly, the Report and Recommendation of United States Magistrate Judge on Motions to Dismiss and for More Definite Statement (Doc. No. 66) is ADOPTED by the Court. The factual findings and legal conclusions of the magistrate are therefore fully incorporated by the undersigned in support of this Order. The Court ORDERS as follows:

Defendants' Rule 12(b)(6) and 9(b) Motion to Dismiss and Memorandum of Law in Support (Doc. No. 18), is GRANTED. Plaintiff's state law claims are, therefore, DISMISSED;

Defendants' Motion for More Definite Statement (as to the Plaintiff's Nationwide Class Action Complaint) (Doc. No. 8), is DENIED; and

Defendants' Motion for More Definite Statement (as to Plaintiff's First Amended Nationwide Class Action Complaint) (Doc. No. 11), is DENIED.

SIGNED this 29th day of March, 2007.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE